

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED
9-22-16
04:59 PM

Joint Application of TeleCommunication
Systems, Inc. d/b/a Maryland
Telecommunications Systems, Inc. (U7083C)
and Comtech Telecommunications Corp. and
Typhoon Acquisition Corp., a wholly owned
Subsidiary of Comtech for Approval of the
Transfer of Control of TeleCommunication
Systems, Inc.

Application 16-02-011

STATE OF DELAWARE)
) ss.
COUNTY OF NEW CASTLE)

AFFIDAVIT OF KIM ROBERT SCOVILL

I, KIM ROBERT SCOVILL, being first duly sworn upon oath, state as follows:

1. I am employed by Comtech Telecommunications Corp. ("Comtech"), parent company of TeleCommunication Systems, Inc. ("TCS" or "Company"), d/b/a Maryland Telecommunications Systems, Inc. serve as the as the Vice President of Legal, Regulatory, and Industry Relations for both Comtech and TCS, and I am the person responsible for certification before the Public Utilities Commission of California (the "Commission").
2. I appreciate the opportunity to respond to the Commission's concerns, and to explore with the Commission how its rules should be interpreted in this unique situation.
3. The Company has always acted in good faith in attempting to achieve compliance in regulatory proceedings, and has the greatest respect for regulatory integrity and the Commission's authority.
4. I am aware, through personal knowledge and through review of the pertinent books and records of TCS, of the services that TCS is currently providing in the state of California:
 - a. managed services to interconnected VoIP providers so that they will deliver 9-1-1 calls to the appropriate Public Safety Answering Point ("PSAP");
 - b. text to 911 services to California PSAPs, routing of wireless and VoIP calls, and 9-1-1 caller location services;
 - c. no regulated services such as transport, long distance voice toll services, or local exchange voice dial tone services to residential or business customers; and
 - d. TCS does not own, control, operate or manage any telephone line for compensation within California and is therefore not a telephone corporation or a Public Utility.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

5. In support of the foregoing, and consistent with our previous open cooperation with the Commission, on August 1, 2016, I participated in an informal three-way telephone discussion among Karen Eckersley Program and Project Supervisor, for the California Public Service Commission ("CPUC"), Roger Marshall, Senior Member of Technical Staff for TCS, and myself.
 - a. The purpose of this discussion was to provide technical background and context to TCS's services in California, and to do so with an engineering expert from the Commission.
 - b. Explaining our services openly in detail would reveal how they were not, in fact, regulated services in California.
 - c. The content of that discussion included:
 - i. A series of increasingly technical and detailed questions from Ms. Eckersley about the nature of TCS's California-specific operations.
 - ii. Mr. Marshall responded by explaining the operations of TCS's network and the operation of the services that TCS provides.
 - iii. To emphasize that TCS did not transport voice calls as might be contemplated by California regulations, Mr. Marshall explained that if a 911 voice call were made during a period when TCS's services were unavailable, the 911 voice call would still be completed.
 - iv. In summary, Mr. Marshall explained; TCS's operations as a VoIP Positioning Center, that TCS does not use CAMA trunking and does not originate or terminate voice 9-1-1 calls in California, and how TCS provides unregulated managed services to PSAPs.
6. None of the services noted previously qualify as regulated telecommunications services in California that would be exclusively dependent upon TCS's certification as a competitive local exchange carrier ("CLC").
7. In order to provide some of its services TCS may require access to p-ANI numbering resources, and CLC certification authorizes access to p-ANI.
8. However, as referenced in our brief, the FCC recently revised its rules to allow TCS to directly secure p-ANI codes in certain circumstances without PUC certification.
9. I prepare its regulatory filings, and TCS has reported \$0.00 gross intrastate revenue in California for each year on its Annual User Fee Statement.
10. I am on the team that manages TCS's participation in Next Generation 9-1-1 ("NG9-1-1) Requests For Proposals ("RFPs"). There is currently such RFP in California. To date, TCS has not been selected or entered into a contract to provide any such services in California.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

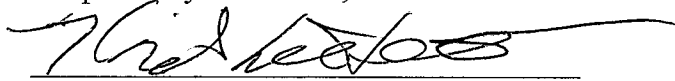
However, pursuant to the current bidding process, even if TCS is selected for the bid, it may not be required to provide regulated services in California because it may only perform unregulated services as a subcontractor, as permitted by the RFP.

11. As evidenced by the Commission's inclusion of 9-1-1 in the definition of basic service, Commission Dockets such as MLTS 0-04-011, and the RFP that I noted above, it is an important public service goal of the State of California to enable access to NG9-1-1, and a significant penalty in this matter could have a chilling effect on this important goal, and / or impair the 9-1-1 services offered by TCS's customers that are crucial to the protection of property and the public's safety.
12. Given the foregoing, and in consideration of the other facts, circumstances, and arguments made in the other pleadings in this matter, I respectfully request that the Commission grant the relief as detailed in our brief.

FURTHER AFFIANT SAYETH NAUGHT.

THIS AFFIDAVIT made under oath this 22 day of September 2016.

Respectfully submitted,

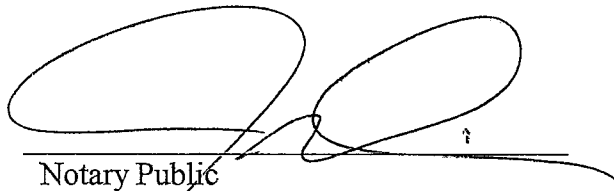


Kim Robert Scovill, Esq.
Vice President of Legal, Regulatory, and Industry
Relations
TeleCommunication Systems, Inc. d/b/a Maryland
Telecommunications Systems, Inc. and Comtech
Telecommunications Corp.
275 West Street
Annapolis, MD 21401
(302) 932-9697
kim.scovill@comtechtel.com

SWORN AND SUBSCRIBED BEFORE ME, the undersigned authority, on this 22nd
day of September, 2016.

(seal or stamp)

JOSEPH M OLIVE
Notary Public
STATE OF DELAWARE
My Commission Expires 12-17-2016



Notary Public

State of Delaware